

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

May 28, 2013

In the Matter of M. R. KISH, JR., Minor.

No. 312973

Macomb Circuit Court

Family Division

LC No. 2010-000643-NA

Before: DONOFRIO, P.J., and MARKEY and OWENS, JJ.

PER CURIAM.

Respondent father appeals by right the trial court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and (j) (child will be harmed if returned to parent). We affirm.

The initial petition in this case requested the court to take jurisdiction of the minor child and alleged that respondent was arrested after the police confiscated heroin and marijuana during a raid at the family home. The court took jurisdiction over the minor child and ordered respondent to comply with a treatment plan, which included completion of parenting classes, participation in random drug/alcohol screens, completion of substance abuse and psychological assessments, participation in individual therapy, weekly supervised visitation, and maintaining a legal source of income and suitable housing. Some 18 months later, the court authorized a supplemental petition, which alleged that respondent failed to make substantial progress on his treatment plan and sought termination of respondent's parental rights. Following a hearing, the court entered an order terminating respondent's parental rights. This appeal followed.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights if the court also finds that termination of parental rights is in the best interests of the child. MCL 712A.19b(5). The trial court's decision is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding of fact is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake was made. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

In this case, the evidence established that respondent is a heroin addict who has had a lifelong problem with drugs. Although respondent completed several inpatient programs in

2011, and participated in a substance abuse program in jail, he thereafter failed to comply with drug screens, submitted positive screens, and failed to comply with recommendations to resolve the issue of his substance dependency. At the time of the hearing, respondent was about to enter another drug program. Respondent still had not established a suitable independent home for his child and failed to complete other critical components of his treatment plan, such as parenting classes, legal income, and completion of therapy. The caseworker felt that respondent had not adequately established that he no longer had a drug problem and felt respondent would not do what was necessary within a reasonable time. Given these circumstances, the trial court did not clearly err in concluding that the statutory grounds for termination were established by clear and convincing evidence.

Further, the trial court did not clearly err by finding that termination was in the child's best interests. The trial court cited the length of time the child was in care, as compared with his age, the need for permanency, and the unlikelihood that respondent would resolve his issues in a reasonable time frame. The trial court's decision was fully supported by the record evidence and was not clearly erroneous.

We affirm.

/s/ Pat M. Donofrio

/s/ Jane E. Markey

/s/ Donald S. Owens